

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:99-00024

BRIAN STEPP

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On November 1, 2017, the United States of America appeared by W. Clinton Carte, Assistant United States Attorney, and the defendant, Brian Stepp, appeared in person and by his counsel, Brian D. Yost, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer M. Dylan Shaffer. The defendant commenced a 45-month term of supervised release in this action on July 21, 2017, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on February 15, 2017.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant failed to abide by the special condition that he spend a period of six months in a community confinement center inasmuch as he entered Dismas Charities on July 21, 2017, and was discharged on September 7, 2017; (2) the defendant failed to notify the probation officer of his change in residence inasmuch as the probation officer attempted to contact him at his address of record and he was not there; (3) the defendant failed to appear for substance abuse treatment as instructed during the week of September 18, 2017; (4) the defendant failed to report as instructed for a urine screen on September 21, 2017; and (5) the defendant used and possessed methamphetamine as evidenced by a positive urine specimen submitted by him on September 28, 2017, the defendant having admitted to the probation officer that he ingested methamphetamine on or about September 26, 2017; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendment thereto.

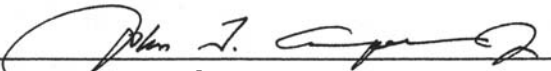
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TEN (10) MONTHS, to be followed by a term of thirty-five (35) months of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B) and the standard conditions as set forth in Local Rule 32.3.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: November 2, 2017



John T. Copenhaver, Jr.
United States District Judge